



WASHINGTON, DC OFFICE

fifth floor

flour mill building

1000 potomac street nw

washington, dc 20007-3501

TEL 202 965 7880 FAX 202 965 1729

OTHER OFFICES

new york, new york

portland, oregon

seattle, washington

GSBLAW.COM

G A R V E Y S C H U B E R T B A R E R

Please reply to HENRY A. SOLOMON
hsolomon@gsblaw.com TEL (202) 298-2529

May 5, 2005

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204-C
Washington, DC 20554

RECEIVED

Our file No. 2164-00100-61

MAY - 4 2005

Federal Communications Commission
Office of Secretary

Reference: MB Docket No. 05-101
RM 1159
Jackson, WY

Dear Madam Secretary:

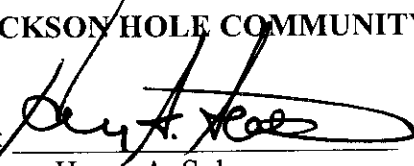
Submitted herewith on behalf of Jackson Hole Community Radio, Inc., are an original and four copies of its Comments in the above-referenced proceeding titled *Notice of Proposed Rulemaking*, DA 05-653, released March 16, 2005.

Should you have any questions, please communicate directly with the undersigned.

Respectfully submitted,

JACKSON HOLE COMMUNITY RADIO, INC.

By:


Henry A. Solomon
Its Attorney

HAS:ar
Enclosure
cc: w/encl. Mr. John A. Karousos (FCC)

No. of Copies received
LIST ABOVE

014

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

MAY - 4 2005

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-101
Table of Allotments)	RM-1159
FM Broadcast Stations)	
(Jackson, Wyoming))	

Attn: Office of the Secretary
To: Assistant Chief, Audio Division, Media Bureau

COMMENTS OF JACKSON HOLE COMMUNITY RADIO, INC.

Jackson Hole Community Radio, Inc. ("Petitioner"), by its attorneys, hereby respectfully submits its Comments in the above-entitled proceeding.

Petitioner is requesting the Commission to amend the FM Table of Allotments, Section 73.202(b) of the Rules, to allot Channel 294C2 at Jackson, Wyoming, as a noncommercial educational reserved channel. A station on Channel 294C2 will provide Jackson with a second NCE service to significantly more than 10 percent of the population within the future station's 1 mV/m service area; the population thus served would number at least 2000. As the instant *Notice of Proposed Rule Making*¹ confirms, there are no channels locally available in the FM reserved band.²

Petitioner supports the proposed allotment and reaffirms its expression of interest in this proceeding.³ Petitioner intends to apply for Channel 294C2,* and if it receives a construction permit it shall expeditiously construct the station and begin service.

Accordingly, Petitioner respectfully requests the Commission to amend the FM Table of

¹ DA 05-653, released March 14, 2005. *Erratum* released March 16, 2005.

² The proposal thus meets the preclusion test set forth in *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 15 FCC Rcd 7386 (2000).

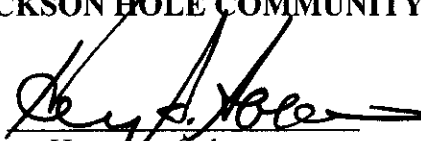
³ Petitioner incorporates by reference its Petition for Rule Making.

Allotments by adding Channel No. 294C2 at Jackson, Wyoming, and reserving the channel for noncommercial educational use.

Respectfully submitted,

JACKSON HOLE COMMUNITY RADIO, INC.

By:



Henry A. Solomon
Attorney for Petitioner

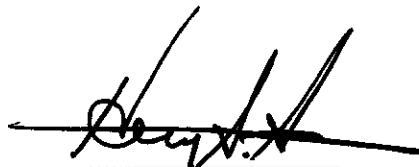
Of Counsel:

Garvey Schubert Barer
1000 Potomac Street, N.W. 5th Floor
Washington, D.C. 20007-3501
Telephone: 202.965.7880
Telecopier: 202.965.1729
Email: hsolomon@gsblaw.com

CERTIFICATE OF SERVICE

Henry A. Solomon certifies that he has on this fourth day of May, 2005, caused to be sent by first class United States mail, a copy of the foregoing "Comments of Jackson Hole Community Radio, Inc.," to:

John A. Karousos
Assistant Chief
Audio Division
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054



Henry A. Solomon